

U.S. PTO Customer No. 25280

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REMARKS

Claims 15-33 were pending in the application. Claims 17, 23, and 28-33 are hereby cancelled without prejudice or disclaimer. Independent claims 15, 22 and 27 have been amended. Thus, claims 15, 16, 18-22, and 25-27 are subject to continued examination.

Art Rejections:

Although Applicants do not agree with the objection of claims 26 and 31-33, Applicants respectfully believe that the amendment of claim 22 obviates the objection of claims 26 and 31-33. It is respectfully believed that one must infringe claim 25 if they infringe claim 26.

Applicants respectfully believe that the amendment of claim 15 changing "site" to "web site" in line 3 obviates the 35 USC 112 rejection of claim 15.

With regard to the non-canceled claims, claims 15-33 were rejected on grounds that they were unpatentable under 35 USC 103(a) over U.S. Patent Publication 2002/0002482 A1 to Thomas in view of U.S. Publication 2002/0004749 to Forseth et al. In light of the amendments and remarks set forth herein, continued rejection on these grounds is respectfully traversed and reconsideration is requested.

Each of the independent claims were earlier amended to specifically recite the ordering feature from the web page displaying the product design and the survey menu with the interactive shopping cart being accessible by a link from the page displaying those items as initially communicated to subscribers. The shopping cart is accessible directly from that page independent of selecting any given response menu item. That is, the page communicated to the user contains the product design, the selectable survey menu and a direct link to an online shopping cart to enable ordering of the displayed product independent from the survey response. FIGS. 2-5 of the application as originally filed illustrate representative web documents with these features. The fact that ordering may be performed independently from the survey is confirmed at FIG. 1 of

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the application wherein the description of event "D" states that the subscriber rates the design and/or requests sample. Thus, the description contemplates that the order may be placed without completing the survey.

Claim 15 has been amended to include the limitations of claims 17, 28, 29, and 30. Hence, claim 15 calls for subscribers who are professionals within the architectural and design communities, the professionals review surface, wall, or floor covering designs, patterns or colors, the system permits the professionals to communicate back to a floor covering manufacturer, and to provide early feedback to a manufacturer to permit focused marketing. Claim 22 and 27 have each been amended to include the limitations of claims 23, 31, 32, and 33.

It appears that the Thomas and Froseth et al. references are not directed to floor covering, floor covering manufacture, early feedback to floor covering manufactures, ordering floor covering products, or the like. Froseth et al. appears to be directed to food selection, food ordering, and food distribution. The present invention differs from the references in many respects.

As best understood, the combination of features as claimed is not taught or suggested by the cited art. The primary reference to Thomas does not appear to contemplate any ordering capability. In light of this deficiency, the Office Action indicates that Froseth et al. teaches a food survey and ordering food.

Applicants respectfully believe that the proposed combination of references and the modification of the primary reference are based on improper hindsight, taught away from by the references, and even if combined fail to meet the claim limitations. Thomas appears to be directed to an automated survey system for conducting market research surveys, electoral polls, public opinion polls, and legal surveys. Thomas does not appear to be directed to manufacturing floor covering products or to selecting, ordering, and distributing food products. Thomas and Froseth et al. appear to be non-analogous art. One would not readily combine the food ordering of Froseth et al. with the survey system of Thomas absent the present application as the necessary motivation,

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suggestion, rationale, on the like. Additionally, Froseth et al. appears to teach away from the combination as Froseth et al. is directed to food ordering and food distribution not to electoral polls, public opinion polls, legal surveys, floor covering products, etc. Further, even if Thomas and Froseth et al. were combined (contrary to the art and based on improper hindsight), they do not disclose the claimed invention.

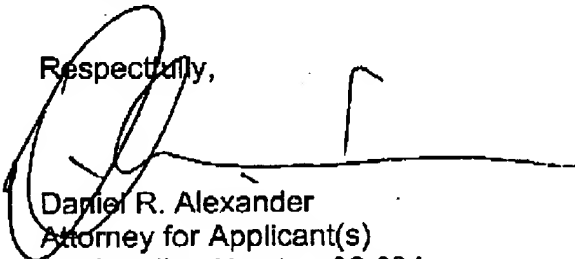
Applicants respectfully note that the references relied upon must be considered for everything they teach - including portions that would lead away from the claimed invention.

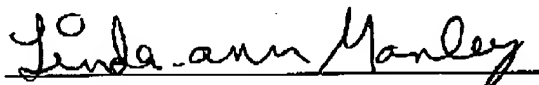
Conclusion

In light of the amendments and remarks as set forth above, Applicants respectfully submit that all claims now stand in condition for allowance. Accordingly, an action to that effect is respectfully requested at this time.

April 14, 2008

Respectfully,


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